

**KBB HCP 6-month Review Meeting
October 20, 2004
New Franken**

Attending: Janet Smith, Cathy Carnes, Jimmy Christenson, Bob Hess, Jaime Thibodeaux (recorder) Dave Lentz

MINUTES

1. Announcements:

- Jimmy C is back on duty. Limited hours.
- New legal support Tim Andryk is ER's
- New partner – Waupaca County Hwy. Dept. Maggie Elmer (citizen) asked Cathy when the CTH K project would be completed.
- New IOC Chair – Matt Krumenauer (ATC)
- American Forest and Paper Assoc. recognition is related to SFI (Sustainable Forestry Initiative, which is about broad ecological land and resource management.

Action Dave: Send Cathy & Janet SFI Certification information

**2. Review Agenda. Prioritize order.
Hold #5 till last.**

- 3. Modified safe harbor approach.** While this is the phrase used by the DNR in its request, the Service will be calling this “umbrella coverage” in the BO to avoid any confusion with the conventional safe harbor mechanism.
- Review previous action items and access progress.
- BO would extend coverage to non-regulated group. It would extend permanent and incidental take coverage for proactive conservation activities above and beyond SHCA or other commitments to non-voluntary group, e.g. HCP partners. It would extend coverage of BO and ITP to delisting.

Cathy sent packet to R3 S7 coordinator for review. Wendy Weber is the new Asst. RD. She has a background in endangered species. She had some concerns with the proposal, particularly extending assurances beyond ITP until delisting. Charlie Wooley is new Deputy RD.

Action item: Dave & Jimmy to review packet after FWS S7 coordinator's final review.

Action Cathy: Then Cathy will send to R3.

Action: Cathy check with Mike Engel as to when this assurance can be committed to a landowner.

Action Dave talk to Brent Haglund about DNR & FWS reviewing draft brochure, and content.

Action Jimmy and Cathy: Review draft brochure.

Potential Action Item: WDNR brief ARD with GBFO staff regarding request for “umbrella coverage”.

- Plan O&E and implementation.
- Press release? NO. Put on DNR website, but let FWS private lands office spread the word.
- SCF MOU? Producing an acceptable brochure and acquiring landowner referrals for O&E distribution list will be a new condition of the ITP and therefore a permit responsibility for the DNR. An MOU with Sand County Foundation is up to DNR.

Action Dave Talk to Brent Haglund and Mike Engel about a simple MOU..

4. **Monitoring strategy improvement update.**

Update on NCTC experience and how it will help in the monitoring improvement process.

Alan Haney retiring. Maybe he and Cynthia Lane can help. Also, Ed Vlach?

Need to consider how “no net loss of habitat” applies to forestry; e.g. identify current habitat acres and insure some amount of acres remain for duration of HCP. (If this is even possible.)

Action Item: Dave and Cathy to discuss further at December 13-14 meeting. (See DRL's NNLOH issue paper 2-16-04 developed for MIT purposes. Also, need to consider other indicators that may provide more feasible justification than acres, i.e. age class distribution and historic harvest records that demonstrate continuous habitat creation.)

Action Item Dave: Ask land managers if and how this might be quantified.

5. **Prioritize workload backlog (Cathy's and Dave's) (See page 3-4)**

Moved to end of agenda.

6. **Clarify definition of occupied habitat.**

- Incidental take of KBB habitat includes/doesn't include non-lupine nectar areas?
- When and where does this definition apply?

Only applies to permanent take. No formula (yet) for how much compensatory mitigation is required to ultimately replace the lost habitat. (FWS is working on this.)

For permanent take, Cathy defines KBB habitat as the “occupied lupine patch, plus all other lupine and more open habitat within 200 meters of occupied patch and additional habitat based on dispersal ability of KBB and habitat resources.”

On larger projects do more detailed habitat assessment and relative abundance survey.

Distinguish difference between small scale routine maintenance vs. larger scale (impact) construction project. Occupied habitat quantity and quality will have to be calculated on a case by case basis.

7. **Permanent Take Clarifications and Documentation.**

Permanent take requires habitat maintenance in perpetuity. Develop a spreadsheet/process for logging permanent take to include entity, location, size, etc.??? Add these ideas to “mitigation guidelines. This record will require permanent oversight even beyond the life of the HCP. Also, need to make sure those partners entertaining a permanent take are aware of their responsibilities into perpetuity.

Mitigation along road ROWs not always the best long-term conservation option. Continued management may be chancy; may need to do more work along road in mitigation area in future. Try to do mitigation on Recovery sites. (Explore with DNR recovery properties, TNC, others, i.e. Jackson County Forestry. Also, perpetual tracking of mitigation on non-state properties is not a role DNR will likely do.

May have to do bail outs for town & county mitigation sites where perpetual maintenance was not clearly communicated, and will not likely be done.

Action Cathy: Cathy and Dave will discuss further.

8. Permanent Take/Mitigation Planning & Approvals.

Assessing permanent take projects, developing/negotiating mitigation plans will be difficult for DNR to continue to do, especially because of statewide travel, and occupied habitat definition.

BER and land managers should meet to discuss mitigation banking potential. Include Rebecca Schroeder, Wayne Hall, Paul Kooiker, Tom Nigus, Steve Edge, Todd Peterson, Jimmy Christenson, and Cathy Carnes. Cathy requested inviting Jim Zahasky. (Counties are not likely to make perpetual commitments.) See if DNR property managers for recovery sites are willing and interested in this idea.

Action: Dave set up and facilitate a meeting to discuss. Also ask Mark Martin and Signe Holtz to check DNR statutes regarding this issue. Can such mitigation be considered as a “gift” to DNR?

9. Pre-management survey exemptions – How will we deal with this growing issue?

As some partners are getting a better handle on where their “real” KBB habitat and likely potential habitat they are realizing that surveying the unlikely areas is a waste of time and resources. To date, Cathy and Dave have been requesting justification to exempt certain areas from pre-management surveys. At the last IOC meeting the notion of simply removing those lands from the partner’s appendix A also has somewhat the same results. The downside of doing this is that the partner no longer has incidental take coverage on these lands and there is a perception that the total volume of conservation acres is decreased. The upside is that Cathy, Dave and the partner don’t have to go through what has been a timely and annoying justification and exemption process. Keeping track of all these exceptions to the norm leaves everyone open to error.

Action Dave: Ask partners to tell us why they think they don't need surveys. Consider applying these criteria into the protocol if they make biological sense, or affect safety or other considerations that are significant to the HCP. Meanwhile, advise partners (IOC) to keep their land in their SHCA Appendix A's because it may be safer to retain maximum ITP coverage.

Cathy suggested the objective might be to establish a mitigation site in each recovery unit to provide mitigation banking and salvage opportunities in each ecological region.

10. 1-acre commercial exclusion.

Like the agricultural community and 1000 acre forestry exclusions, is it appropriate to exclude small commercial take (permanent or temporary) given the workload and administration involved for these low negative impact, low conservation benefit projects? HCP did not analyze this take. FWS does not support. There is a cap on permanent take in ITP (500 acres).

Put on hold until it becomes an issue again.

Action Item: DNR requests further discussion. Doesn't see how this is different than the Agricultural exemption.

11. CI's for limited partners: initial lupine survey timeline.

What expectation or requirement should be set? Dave has been telling then 2 field seasons (Don't know where that came from.).

Action Dave: Send updated Ltd Partner lupine maps to Cathy. Are these complete lupine surveys? If not, ask Ltd. Partners if they have done a complete survey. If yes, send update in with Annual Report. If not, complete surveys in 2005.

Decision: Can issue CI before lupine surveys, just no mowing can be done until surveys are done and the completed map is provided to the DNR and FWS, and then, that the mowing is consistent with the protocol and SHCA. Permit not effective until lupine surveys done and map (SHCA appendix A) provided to DNR and FWS.

12. KBB presence/absence protocols – new developments

New York has been studying number of surveys and years needed to determine absence to the level of uncertainty needed for the risk.

13. Onyx 7-mile Creek Landfill status

NRC (Jerry Kelly) is adding the changes Cathy asked for in their SHCA. Mitigation (snowmobile trail) can be banked for future permanent take. No lupine found in North expansion area. No CI needed for permanent take. CI needed for mowing and any other activities that involve incidental take.

14. Update appendix A of SHCAs.

Ask IOC to consider a partner developed table to track/update their lands included changes. How can partners update maps and lands included?

- Why is this important? (Describe regulatory requirements.) This is the land where take is authorized.
- What are the objectives, table characteristics needed: TRS, acres, maps
- Frequency and timing of updates, etc? Annual Report time.

Action Dave: Take to IOC.

15. Mitigation Guidelines/Process (R-team ideas).

- Compensatory mitigation required?
 - Assess take (habitat quantity/quality vs. replacement q/q)
- Know status and spatial relation to other refugia sites, perpetuity, have management. Mitigation ratios being developed. Never have one to one ratio. Cynthia Lane says 4:1 because degree of success is uncertain. High ratio also compensates for time lag. Rather than mitigate q/q for q/q, provide a quality mitigation goal.

Strive to establish mitigation site before the take. We should talk about mitigation banking.

Action Dave: Talk to IOC and IMT managers.

16. Glen Campen alleged KBB take: incidental or intentional? Permanent or short-term take?

For non-partners, partner candidates and partners, who should investigate and take action in suspected violations?

Mr. Campen disked lupine on his property allegedly because he read “disturbance” WAS GOOF FOR kbb. Dave talked to Bob Welch about the circumstances. Bob thought Mr. Campen’s intentions were good and that he did not do an intentional take.

Clarification: DNR will investigate partner issues. FWS will investigate non-partner KBB issues. (Can call Cathy)

ADDED ITEM:

- **Clarifications vs. minor amendments**

Action Cathy: Cathy provided a draft. Okay with everybody. Cathy will finalize and send for official approval.

Action Dave: Send Cathy his handwritten notes on how to handle amendments to ITP, SHCA,s etc.

ITP change Action: Change ITP partner list to include only those original partners because the ITP acts as their CI (under umbrella). Add name changes to ITP amendments, i.e. SENA (originally Consolidated Papers), but not new partners who receive an individualized CI.

Action Dave: Next time ITP amendment is proposed, request the update above.

Alleged Town of Millston mowing ROW too short. DNR investigating. Bob Hess visited sites and photographed. Tim Beyer told Bob and Dave about this at the BRSF Audit.

Action Dave: Will follow up.

Action Dave: Send Cathy Rich Sternkopf email and proposal.

- **Plum Creek SHCA. Where is it?** Lorin Hicks has been finishing SHCA, but has been distracted with numerous CFI audits.

Action Dave: Follow up with Plum Creek.

- **Town of Foster (Clark County) Mitigation Plan:** Place salvage lupine adjacent to take site. Look for a mitigation site. A likely mitigation could be contribution of seed money for TNC recovery property.

Action Dave: Follow up with Dave Poehnlein.

Action Dave: Ask TNC if they can take contribution.

#5 Prioritize Backlog (Agenda Item carried to end of meeting)

Action Cathy C. and Dave L. will work on backlog at GBFO Dec 13-14.

17. Set next meeting date.

April 20, 2005 at 10:00 a.m. in Madison

HCP BACKLOG

October 20, 2004

- Monitoring Improvement (urgent)
- EM amendment: Interim amendment while monitoring strategy is being redesigned.
- Town of Foster: mitigation plan and request to be a partner
- Adams County Hwy. Dept. – SHCA amendment to include ATV trail maintenance.
- TNC pre-management survey exemption
- ANR pre-management survey exemption
- Washburn County Forest pre-management survey exemption
- Crex pre-management survey representative site amendment
- Recovery Implementation Plans: R-monitoring first.
- Condition M Amendment: Extend date to May 1, 20__?
- SCA MOU for Safe Harbor commitments, i.e. brochure and distribution list referrals
- 2004 field data entry – no data manager
- CC/UC Amendment and assessments – two wildfires reported and one large blow down pending report.
- Add CC/UC assessments and management adjustments to audit form, survey forms and annual report forms.
- One-time vs. full partner clarification
- Prescribed burn protocol revisions
- WE Energies Rich Sternkopf's lupine modeling proposal for pre-management surveys
- Memo FWS that application is not legally binding, only information gathering/screening, and therefore not a part of the request for CI.
- Pesticide Guideline: add Bromacil
- ROW Guideline: finalize brushing inclusion, consider hydro-wicking, knife insertion, etc. Structure guidelines different because ROW managers not only ones who use brushing, etc.
- Resolve mowing conflict between favoring 2nd brood nectar plants vs. battling invasives
- IOC Chair election clarification/amendment
- Mitigation Guideline/Plan Development Process
- Include mitigation assessment in level 1 & level 2 monitoring forms
- Annual Report form: make improvements and add mitigation assessment
- Develop banker relationship for HCP funds from fees.
- Develop new partner/new staff orientation/user guide/packet, and successional management program
- Funding opportunities on KBB webpage
- Fast track approval process
- KBB HCP Newsletter
- Develop new SHCA with Plum Creek
- Develop new SHCA for WE Energies
- Develop "lands included" data base
- Update lands included for SENA, Plum Creek, WRPCO, Alliant, WPSC, etc.
- Partner participation in an administrative history table
- Utility and RR invitation
- Follow up Town of Millston mowing allegations

- Update distribution data base
- Update POH site pool for SM partners, i.e. county forests' long-term management sites
- Restructure WM guidelines: currently includes monitoring protocols and other mismatched groups; add brushing, etc.
- Develop a history log/table for all clarifications and amendments
- Follow up EM 2003 corrective action for quality errors
- Document Limited Partner application and CI process

Minutes HCP 6-mo Review 10-20-04.doc